

a predicted water cooling temperature CTW, a radiator fan is driven. The Office Action relies on paragraph [0080] and Fig. 10b of Niki as allegedly disclosing such features. However, the Office Action asserts more than Niki can reasonably be considered to have suggested with respect to such features.

Claims 1 and 11 deal with driving an electric motor fan for blowing wind with respect to a circulating path when the detected cooling water temperature is within a predetermined range and an abnormal state detecting is commenced on the basis of the detected cooling water temperature and the predicted cooling water temperature. Thus, the forcible blowing of the electric motor fan advantageously affects the abnormal state detecting. Niki merely discloses that when the set of the average vehicle speed VPSAVE and the estimated water temperature CTW at the warm-up finishing time is in a determination withholding region defined by the straight line L1 and the straight line L3a, the determination of whether or not the thermostat has failed is withheld. In this case, a radiator fan is operated for a predetermined time period, and thereafter the failure determination is executed again. Thus, Niki does not teach that the fan is forcibly driven during the failure determination. Rather, the failure determination is suspended, and then executed again after the predetermined time period.

Regarding claims 2 and 12, the Office Action considers that "abnormal state detecting is a form of precision detection" because it tests how well the thermostat is functioning. However, this analysis fails to meaningfully address the specific features positively recited in claims 2 and 12. For example, claim 2 recites, among other features, in such a case that it is so judged that detection precision achieved when said abnormal state detecting operation is carried out is low, under such a condition that an electric motor fan for blowing wind with respect to said circulating path is driven, the abnormal state detecting operation as to the thermostat is carried out based upon both the detected cooling water temperature and the

cooling water temperature predicted by the driving condition of the engine. Niki does not disclose such a combination of features at least because Niki does not judge that detection precision achieved is low (or an "abnormal state") during forcibly driving a fan, as discussed above, and does not then conduct abnormal state detecting based upon both the detected cooling water temperature and the cooling water temperature predicted by the driving condition of the engine. Rather, Niki makes a determination based on the detected cooling water temperature and the cooling water temperature predicted by the driving condition of the engine regardless of a corresponding judgment during the specific condition that an electric motor fan for blowing wind is driven.

Regarding claims 7 and 17, the Office Action alleges that Niki discloses checking the abnormal state after the fan has been driven for an intermittent manner. This assertion over broadly construes what Niki can reasonably be considered to have suggested. Specifically, operating a radiator fan for a predetermined time period does not correspond to driving an electric motor fan in an intermittent manner under a predetermined condition, as recited in claims 7 and 17.

For at least the above reasons, the applied reference does not teach the combinations of features positively recited in claims 1, 2, 7, 11, 12 and 17. Additionally, claims 10 and 20 are also not taught by the applied reference for at least the respective dependence of these claims, directly or indirectly, on an allowable base claim, as well as for the separately patentable subject matter that each of these claims recites.

Accordingly, reconsideration and withdrawal of the rejection of claims 1, 2, 7, 10-12, 17 and 20 are respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1, 2, 7,

10-12, 17 and 20, in addition to the indication of allowability regarding claims 3-6, 8, 9, 13-16, 18 and 19, are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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